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09/735,751	12/13/2000	Hiroaki Kubo	15162/02900	6671

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EXAMINER

HO, TUAN V

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/735,751	<b>Applicant(s)</b> KUBO ET AL.	
	<b>Examiner</b> Tuan V. Ho	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/13/06 has been entered.

2. Applicant's arguments filed 9/13/06 have been fully considered but they are not persuasive.

After carefully reviewing amended claims, the examiner notes that the Ohmori and Watanabe references are still applied with new interpretations.

Applicants argue:

1) With regard to claim 1, "Watanabe only teaches displaying images in groups based on where they are stored and putting the information on where the group of images are stored in the title bar of the window containing the group of images. Ohmori is silent with regard to displaying information indicating where an image is stored. Thus, Ohmori and Watanabe fail to disclose, teach, or otherwise suggest displaying with each image information about where the corresponding image data

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is stored." In response to the arguments, the examiner notes that the Watanabe reference displays icon 38 (camera memory) and icon 32 (auxiliary memory) as shown in Fig. 8; where each memory icon is displayed adjacent to images of camera memory 38 or auxiliary memory 32. The examiner understands the differences between the invention and the prior art; however, claims are broad enough to read on it.

2) With regard to claim 5, Watanabe teaches that images stored on separate storage media are to be segregated and displayed in distinct groups. See Fig. 5. Ohmori is silent with regard to displaying images based on image data from multiple storage media. In response to the arguments, the examiner notes that group images of window 39 and window 34 are simultaneously displayed.

3) Claim 10 has been amended to recite, inter alia, a display controller that causes the display "to display the information that specifies the recording medium from which the image data was read adjacent to the image based on the image data." In response to the arguments, the examiner notes that each image displayed in window 39 or window 34 is associated with each recording medium 38 or 32.

4) Claim 11 has been amended to require a camera that is operable in first mode for displaying images one at a time and a

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second mode for displaying images from multiple storage media at a the same time so that they are adjacent. In response to the arguments the examiner notes that Watanabe et al discloses the first mode (Figs. 4 and 5) and second mode (Fig. 8).

5) Claim 12 has been amended to recite, inter alia, a step of "displaying a first image based on the image data read from the first recording medium and a second image based on the image data read from the second recording medium, essentially simultaneously and adjacent to each other." In response to the arguments the examiner notes that Fig. 8 shows the images that are displayed simultaneously.

6) Claim 14 has been amended to recite s display controller operable in "a second mode in which two images based on image data from different recording media are displayed concurrently and adjacent to each other." In response to the arguments the examiner notes that Fig. 8 shows at least both images that are displayed at the same time.

7) Claim 18 has been amended to recite "a display controller ... which causes said display to display essentially simultaneously, and adjacent to each other, a first image based on the image data read from the first recording medium and a second image based on the image data read from the second

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recording medium." In response to the arguments, the examiner notes that Fig. 8 shows both images.

8) Claim 20 has been amended to recite a step of "displaying an image based on the determined camera display mode, the image data, and information that specifies the recording medium from which the image data was read such that an image based on the image data is displayed adjacent to the information that specifies the recording medium from which the image data was read." In response to the arguments, the examiner notes that Fig. 8 discloses image data that is displayed adjacent to memory icons 38 or 32.

9) Claim 21 has been amended to recite a step of "displaying, responsive to the camera being in the dual image display mode, a first image based on the image data read from the first recording medium and a second image based on the image data read from the second recording medium, essentially simultaneously, and adjacent to each other." In response to the arguments the examiner notes that Fig. 8 shows dual a display mode.

10) Claim 7 has been amended to recite, inter alia, "a user input for selecting a rule from a plurality of rules defining a sequence of the images." It is respectfully submitted

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Ohmori does not disclose a user input for selecting a rule from a plurality of rules defining a sequence of the images. Ohmori discloses that the user can select an image by operation of the advance and reverse buttons, but does not provide any disclosure as to the sequence in which the images are displayed or how the sequence is determined. In particular, the "advance" and "reverse" buttons shown in Fig. 7 are not used to select a rule defining a sequence, but only to move to the next or previous image in some unspecified sequence. In response to the arguments the examiner notes that each time the user advancing or reversing displayed images on the LCD, the user generates a new sequence of the images in which more images or less images are displayed with new procedure or rule.

11) Claim 13 has been amended to recite, inter alia, a step of "accepting a selection of a rule from a plurality of rules for ordering a plurality of items of image data stored in two or more recording media." In response to the arguments, the examiner notes that each time the user advancing or reversing displayed images on the LCD, the user generates a new sequence of the images in which more images or less images are displayed with new procedure or rule.

3. The following is a quotation of 35 U.S.C. 103(a) which

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forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 10, 11, 12 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmori in view of Watanabe et al.

With regard to claim 5, Ohmori discloses in Figs. 7, 8 and 12, a digital camera that comprises the reader that can read image data from first and second recording media (display controller 82, receiving control signals from digital camera 12, specifically reads image data from image memory 84 or memory card 40 so as to display the image data upon a user's selection, Col. 4, lines 35-67 and Col. 5, lines 23-29; it is noted that accessory module 10 is a part of digital camera 12 since it is used as a display monitor for picture taking, Col. 3, lines 63-64, Fig. 5, Col. 4, line 41), display (display 28, Col. 4, line



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45), except that the display controller causes the display to display essentially simultaneously and adjacent to each other a first image and second image from the recording media.

Ohmori does not explicitly disclose any first and second images simultaneously to be displayed on display 28. However, Watanabe et al teaches using a digital camera system that can display information related to each of two recoding mediums (icon 38 or 37) and images (windows 39 and 34) corresponding to the recording medium as shown in Figs. 5 and 7, col. 5, lines 1-21). As a result of displaying the image information and location of the images, a user easily determines where each of images is stored and thereby to easily control file management.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify display controller 82 of the Ohmori camera as the same fashion as disclosed by Watanabe et al so as to obtain a display controller that causes display 28 display simultaneously a first and second images in memories 128 or 38 and information related to recording medium corresponding to the images. That is because the display of two images simultaneously and its location would allow a user to select and observe different images in different recording medium and thereby to easily select a desired image to erase, transfer or store.

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Claim 6 recites what was-discussed with respect to claim 5. It should be noted that the icons 38 and 32 on display 12 of Watanabe et al indicate which recording medium the images is stored therein.

With regard to claim 10, claim 10 recites what was previously discussed with respect to claim 5.

With regard to claim 11, claim 11 discloses the same subject matter as discussed with respect to claim 5, Furthermore, Ohmori discloses in Figs. 7, 8 and 12, a digital camera that comprises the determining an operational mode of the camera; in a first operational mode: reading image data from one of two or more recording media; and displaying an image based on the image data and the information that specifies the recording medium from which the image data was read (Watanabe et al discloses the first mode in which images of a memory are displayed as shown in Figs. 4 and 5, col. 5, lines 1-31); and in a second operational mode: reading first and second image data from respectively first and second ones of the two or more recording media; and displaying first and second images based respectively on the first and second image data. such that the first and second images are adjacent (Fig. 8 shows images of two memories are shown, col. 7, lines 1-29).

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Claim 12 recites what was discussed with respect to claim 5.

With regard to claim 1, claim 1 recites what was discussed with respect to claim 5; where Watanabe et al discloses displaying each of images adjacent to its associated location .

With regard to claim 2, Watanabe discloses the indicia (icons 38 and 32).

With regard to claim 3, Ohmori discloses in Fig. 12, a digital camera that comprises the two card slots (Ohmori discloses in Fig. 12, that unit 18 of module 10 can be modified so as to accept a second card slot 118, col. 6, lines 40-41). With regard to claim 4, Watanabe teaches the information that specifies the recording medium (icon 32 or 38).

Claim 14 recites what was discussed with respect to claim 11. It should be noted that Ohmori discloses the body (camera housing 12).

Claims 15-17 recites what was discussed with respect to claims 2-4.

Claims 18 and 19 recite what was discussed with respect to claims 5 and 6. Noted that Ohmori discloses the body (camera housing 12).

Claims 20 and 21 recite what was previously discussed with respect to claims 1 and 5.

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4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7-9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohmori (US 5,790,193).

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With regard to claim 7, Ohmori discloses in Figs. 7, 8 and 12, a digital camera that comprises the reader (display controller 82, receiving control signals from digital camera 12, specifically read image data from image memory 84 or memory card 40 so as to display the image data upon a user's selection, col. 4, lines 35-67 and col. 5, lines 23-29; it is noted that accessory module 10 is a part of digital camera 12 since it is used as a display monitor for picture taking, col. 3, lines 63-64, Fig. 5, col. 4, line 41), a user input for selecting a rule from a plurality of rules defining a sequence of the images (Advance or reverse buttons is used to select a particular sequence of images; where the buttons generates a plurality of rules by advancing or reversing images), display (display 28, col. 4, line 45), display controller that, by handling a plurality of items of image data recorded in the two recording media in sequence based on a prescribed rule (display controller 82 reads image data from memories 84 or 40 so as to display the image data on display 28; the user specifies an image stored in memories 84, or 40 to be displayed by using buttons "Advance" 30 or "Reverse" 32, col. 5, lines 60-67) and causes the display to sequentially display the plurality of images in accordance with the sequence (since the user can specify image data stored in memories 84 or 40 to be displayed, the user can select to

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display the image data in the above sequence such as image data of memory 40 is first selected and the one in memory 84 is secondly selected).

With regard to claim 8, Ohmori discloses ascending or descending order (buttons 30 or 32).

With regard to claim 9, Ohmori discloses ascending or descending order (buttons 30 or 32 is used to advance or reverse images stores in the memories; it is noted that there is inherently an indication that a user can identify at which memory the image is displayed).

With regard to claim 13, Furthermore, Ohmori discloses in Fig. 10A, an image display method that comprises the steps of Accepting a selection of rules from a plurality of rules for ordering a plurality of items of image data stored in two recording media (button 30 or 32 advances or reverses image sequences and inherently generates a plurality of rules to change the sequences, col. 5, lines 60-67 and col. 6, lines 1-17), displaying an image (display controller 82 displays the selected image), accepting a destination to display either a next image or a prior image (Advance button 30 or Reverse button 32 generates a specific rule so that the display controller displays nest images or prior images), an displaying (monitor 28

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displays a next or prior image in accordance with the signals from controller 82).

6. This Office action is not made Final because of new grounds of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nishi (US 6,249,313) discloses an electronic camera that includes a display in which the display shows a frame associated with a memory being transferred.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (572) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.

A handwritten signature in black ink, appearing to read 'Tuan Ho', with a stylized flourish at the end.

TUAN HO

Primary Examiner

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